

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) CASE NO. 8:07CR145  
                                )  
Plaintiff,                 )  
                                )  
vs.                         ) ORDER  
                                )  
NATHANIEL CYPRIAN,        )  
                                )  
Defendant.                 )

This matter is before the Court on the Defendant's second motion for issuance of a subpoena duces tecum (Filing No. 59). Additionally, the affidavit in support of the motion and a proposed order (Filing Nos. 60, 61) were improperly filed as motions.

***Technical Issues/Filing***

The affidavit and proposed order (Filing Nos. 60, 61) are not motions and therefore should not be filed as motions. As previously suggested (Filing No. 45), *the Court strongly encourages that defense counsel and, if relevant, his office staff, refer to the extensive training available with respect to filing on the ECF system, see <http://www.ned.uscourts.gov/cmecf/> and <http://www.ned.uscourts.gov/localrules/>.*<sup>1</sup> Again, as previously stated (Filing No. 45), proposed orders must not be filed on the ECF system, but rather e-mailed to the chambers address which, in the case of the undersigned judge, is [smithcamp@ned.uscourts.gov](mailto:smithcamp@ned.uscourts.gov).

***Motion for Subpoena***

Although the affidavit lacks the detail required by NECrimR 17.2(b)(1)(A)-(D), the missing information was sufficiently provided during the colloquy at the previous hearing.

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<sup>1</sup>On the latter site, click on "Criminal Administrative Procedures."

(Filing No. 55.) The requested information appears relevant, based on defense counsel's statements at the prior hearing, and is "probably" admissible. NECrimR 17.2(b)(2). However, defense counsel has not provided a subpoena. Therefore, the motion is held in abeyance pending the Court's receipt from defense counsel of a properly completed subpoena. The Court notes that rather than having the subpoena served by mail, the Court would order the Marshal to serve the subpoena. If defense counsel needs assistance in preparing a subpoena, he should contact the Federal Public Defender's Office of this district for guidance.

IT IS ORDERED:

1. The Defendant's second motion for issuance of a subpoena duces tecum (Filing No. 59) is held in abeyance pending receipt from defense counsel of a properly completed subpoena;
2. The Clerk is directed to terminate Filing Nos. 60 and 61 as motions.

DATED this 6<sup>th</sup> day of December, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge